

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Raquel Velasquez	Team: Team # 1	CCRB Case #: 201310707	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 11/06/2013 4:27 PM	Location of Incident: 83-01 Roosevelt Avenue	Precinct: 115	18 Mo. SOL 5/6/2015	EO SOL 5/6/2015	
Date/Time CV Reported Wed, 11/06/2013 8:14 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 11/14/2013 9:19 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Jacquelin Estrada	22922	953845	PBQ/N
2. SGT Catherine Kunst	01788	943284	PBQ/N

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Antonio Ricotta	01408	954270	PBQ/N
2. POM Roger Nehl	02892	954172	PBQ/N
3. POM Giovanni Nicotra	12715	953173	115 PCT
4. POM Joseph Vitale	19831	953539	115 PCT
5. POM Brian Donohue	13021	952694	115 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Jacquelin Estrada	Force: PO Jacqueline Estrada used physical force against § 87(2)(b)	
B.SGT Catherine Kunst	Force: Sgt. Catherine Kunst used physical force against § 87(2)(b)	

### **Complaint Summary**

On November 6, 2013, at approximately 4:27 p.m., officers from Patrol Borough Queens North responded to a domestic dispute between § 87(2)(b) and her ex-husband, § 87(2)(b) in front of 83-01 Roosevelt Avenue in Queens (encl. B3-B4). § 87(2)(b) was put into handcuffs by PO Jacqueline Estrada and Sgt. Catherine Kunst of Patrol Borough Queens North.

### **Mediation**

This case was not mediation eligible.

### **Civilian and Officer CCRB History**

PO Jacqueline Estrada has been a member of the service for one year and there is one substantiated CCRB allegation against her (encl. A1): In CCRB case number 201310229, an allegation of abuse of authority for a vehicle search was substantiated. The board recommended instructions and is pending NYPD disposition. Sgt. Catherine Kunst has been a member of the service for seven years and there are no substantiated CCRB allegations against her. (encl. A2). This is the first CCRB complaint filed by § 87(2)(b) (encl. A3).

### **Summons for Incident and Disposition**

As of November 17, 2014, § 87(2)(b) resolved summons number § 87(2)(b) by paying a monetary fine. (encl. O15)

### **Status of Civil Proceedings**

§ 87(2)(b) has not filed a Notice of Claim with the City of New York as of March 28, 2014 with regard to the incident. (encl. P6)

### **Findings and Recommendations**

#### **Allegations Not Pleaded**

§ 87(2)(b) alleged that, during the interaction, § 87(2)(b) was frisked by an officer. § 87(2)(b) did not allege this during his phone statement. Therefore, a frisk allegation is not being pleaded.

### **Investigative Findings and Recommendations**

#### **Allegation A- Force: PO Jacqueline Estrada used physical force against § 87(2)(b)**

#### **Allegation B- Force: Sgt. Catherine Kunst used physical force against § 87(2)(b)**

§ 87(2)(b) filed her complaint on November 6, 2013 (encl. B1-B2), provided a phone statement on November 21, 2013 (encl. C1), was interviewed at the CCRB on December 9, 2013, and answered follow-up questions on January 2, 2014 (encl. CC2-C7). § 87(2)(b) alleged that, following a dispute over money with her ex-husband, § 87(2)(b) PO Estrada and Sgt. Kunst grabbed her arm and took her to the ground to put her in handcuffs. § 87(2)(b) provided a phone statement on February 18, 2014 (encl. E1). § 87(2)(b) stated that during their dispute § 87(2)(b) tried to hit him but did not, and that when she began telling the officers not to touch her, he entered a store and did not see the rest of the interaction with § 87(2)(b) and the officers. § 87(2)(b) provided a phone statement on February 24, 2014 (encl. F1). § 87(2)(b)'s friend, § 87(2)(b) who was with him, stated that § 87(2)(b) slapped § 87(2)(b) at which point officers approached her and asked her for identification. § 87(2)(b) refused, and when the officers tried to grab her arm to handcuff her, § 87(2)(b) tried to strike them. At this point, PO Estrada and Sgt. Kunst took her to the ground and handcuffed her, while § 87(2)(b) continued to kick and try to strike the officers.

§ 87(2)(b) was treated at § 87(2)(b) Hospital on the incident date and was diagnosed with wrist pain and had bruises on her chin and wrists.

PO Estrada was interviewed at the CCRB on July 9, 2014 (encl. H1-H11). Sgt. Kunst was interviewed at the CCRB on July 16, 2014 (encl. I1-I5). PO Donohue was interviewed at the CCRB on September 12, 2014 (encl. K1-K5). They consistently stated that § 87(2)(b) refused to comply with their commands to stay away from § 87(2)(b) and she flung her purse at the officers and pushed them away when they tried to handcuff her. Eventually they took her to the ground and were able to apply handcuffs.

According to Patrol Guide Procedure 203-11, only the amount of force necessary to overcome resistance will be used to effect an arrest.

§ 87(2)(b), § 87(2)(g)  
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Team: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Date

Supervisor: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date